



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

08 FEB 2008

Mr. Richard Van Klaveren
State Conservationist
USDA-Natural Resources Conservation Service
210 Walnut Street
693 Federal Building
Des Moines, IA 50309

Dear Mr. Van Klaveren:

RE: Comments on the Final Environmental Impact Statement for West Tarkio Creek Watershed Plan

Thank you for the opportunity to review the Final Environmental Impact Statement for the West Tarkio Creek Watershed Plan and for your December 19, 2007, response to our comments on the Draft EIS. That response addressed many of the comments that we made on the DEIS, however, since the time that the DEIS was issued, some developments have occurred that may influence final project design and implementation. We would recommend that the Record of Decision (ROD) provide additional discussion of the following areas:

- 1) clarity of project need,
- 2) alternatives description and rationale for alternative rejection, and
- 3) cumulative impacts.

Purpose and Need

In our August 1, 2006, comments on the DEIS, we stated that "The Final EIS should identify the basis for the 4.0 MGD water supply goal provided by the project sponsors, the specific source or sources of expanded local service and demand growth, the proportion of the projected increased demand attributable each to residential and industrial sources, particularly "bio-fuel" production, and reconcile these projections with historic, current and future population declines" (page 2 of our letter). A similar comment was made by the U.S. Department of Interior (U.S. DOI) in its July 28, 2006, letter to you regarding the DEIS. In your response to our comments and those of the U.S. DOI, you cite an up-dated "water needs assessment" by HDR Engineering in 2007 as adequate support for this component of the definition of project need. This explanation is inconsistent with the fact that the public water supply demands described within the DEIS, which included the City of Clarinda and projected growth in biofuel production, are no longer included within the FEIS. Although project need no longer reflects these two significant demands on the regional water supply, the project purpose continues to reflect the 4

MGD value for regional rural water supply. Simply, project need with regard to regional rural water supply appears to have been significantly reduced while this project purpose has not changed from the DEIS to the FEIS. Significantly, many of the rejected alternatives were eliminated for failing to satisfy this single project purpose. The body of the FEIS does not describe the relationship between this apparent modification to project need from the DEIS to the FEIS and the project purpose. Simple reference to the 2007 HDR Engineering report does not address this deficiency.

Although any references to biofuel production have been removed from the FEIS discussion of purpose and need, we note several instances of response to public comments of the connection between regional water supply demand and potential ethanol production. Broad, non-specific references within the discussion of purpose and need to "projected growth in industrial, commercial and residential use" obfuscate a potentially significant component of the purposes for this project. In addition, if some portion of the projected water supply demand is driven by the needs of expanding ethanol production, then the indirect effects of this water supply project's support of ethanol production should have been addressed in the FEIS.

For the record, we continue to question the inclusion of "agricultural pollution control" as a project purpose. Primarily, it does not seem appropriate to include the protection of reservoir water quality as one of three project purposes when the reservoir itself would not exist without the project. Your response to our comments on the DEIS specifically states that the "purpose is to protect the new water supply reservoir, not the existing stream." The logic supporting this argument still appears to be circular. Further, the construction of the reservoir itself does not 'control' agricultural pollution, but merely intercepts and contains it within the reservoir and its sediment basins.

Alternatives Analysis

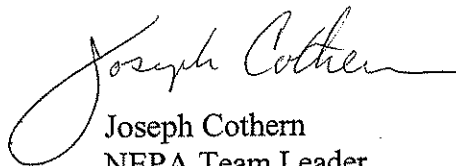
As the 4 MGD regional rural water supply goal serves as the basis for the rejection of many alternatives during the alternatives analysis, the clarification and resolution of the basis for this 4 MGD figure within the ROD is important to completely addressing our concerns.

Cumulative Impacts

In our August 1, 2006, comments on the DEIS, specific to cumulative impacts, we cited and provided a copy of draft guidance prepared by EPA addressing nonpoint source pollution from hydromodifications. There is no indication that this draft guidance was reviewed in preparing the FEIS nor is it cited in the document. We suggest that the project sponsors review this guidance as they implement the watershed plan supported by this FEIS.

Thank you for the opportunity to review this document. If you have any questions regarding these comments, please contact Larry Shepard at (913) 551-7441, or myself at (913)-551-7148.

Sincerely,

A handwritten signature in cursive script, reading "Joseph Cothorn". The signature is fluid and extends to the right.

Joseph Cothorn
NEPA Team Leader
Environmental Services Division